IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19579 of 2004

Between:

Tulasi Laxmana Murthy S/o Venkataiah
R/o H. No. 5-2-28, Kothur, Bokkalagadda
Hanumakonda, Warangal District

..... PETITIONER

AND

1 The Research Officer, Soil Testing Laboratory Advocate Colony, Hanumkonda, Warangal District
2 The Director/ The Chief Engineer (Hydrology) A.P. Engineering

Research Laboratory, Govt. of A.P., Himayat Sagar, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction of Writ more particularly one in the nature of Writ of Mandamus directing the respondents to consider and appoint the petitioner as Assistant Lab-Boy in the existing vacancy of Asst. Lab-Boy under the Respondents in view of the Vacancy that arose vide proceedings No. G2/ERL/Promotions/04-88 dated 21-9-2004 of the 2nd respondent and also in view of the Award of Hon'ble Industrial Tribunal-cum-Labour Court, Warangal in I.D. No. 92 of 2001 dated 16-11-2003, and consequently declare the inaction of the Respondents in considering and appointing the petitioner as Asst. Lab-Boy in spite of vacancies, as bad in law and violative of principles of natural justice and pass such other order or orders as deem fit and necessary in the circumstances of the case.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondents: None appeared

The Court made the following :

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ORAL ORDER

The petitioner is working as a casual labour in the respondent-Soil testing Laboratory. He contends that he is qualified to hold the post of Assistant Lab-Boy. The grievance of the petitioner is that his case for appointment as a Assistant Lab-Boy was not considered, despite an order of the Labour Court in I.D.No.92 of 2001 dated 16-11-2003 directing the respondents to consider the case of the petitioner for the post of Assistant Lab-Boy. The petitioner concedes that there is a procedure prescribed under the rules for filling up of the vacancies of the Assistant Lab-Boy. As and when there is a notification for filling up of those vacancies, the petitioner is at liberty to make an application and on making such application by the petitioner, the respondents shall consider the case of the petitioner along with other candidates at the time of filing up of the vacancies of Assistant Lab-Boy and pass appropriate orders according to the rules in force, keeping in view of the service rendered by the petitioner as a casual labour from 1998.

With the above said observation, the writ petition is disposed of. No order as to costs.

_____ Dr.G.YETHIRAJULU, J.

Dated: 26th October, 2004.

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Note:

Issue CC in

Two days.

(B/O)

*TSNR

TO

1. The Research Officer, Soil Testing Laboratory Advocate Colony, Hanumkonda, Warangal District
2 . The Director/ The Chief Engineer (Hydrology) A.P. Engineering

Research Laboratory, Govt. of A.P., Himayat Sagar, Hyderabad

3. Two C.D.Copies